

### DETAILED ACTION

1. This Office Action is the answer to the "Appeal Brief" filed on 12/17/2007, which paper has been placed of record in the file.
2. Claims 1-53 are pending in this application; wherein claims 1-19 (Group I) are elected for examination on 12/17/2007 with traverse.

### *Response*

3. The examiner withdraws his previous rejections under 35 U.S.C. 112, second paragraph for claims, and proceed with art rejections – because the BPAI's decision for patentable of an application can not only rely on 35 USC 112, 2<sup>nd</sup> paragraph rejections.  
Note: A restriction for examination purposes as indicated in prior Office Action is proper because all these inventions listed in this action (as in claims 1-53) are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;

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(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.

101 and/or 35 U.S.C. 112, first paragraph.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C.

§ 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

4. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipate by Heyring et al. (US Pat. 6,010,139).

A. As to claims 1-2: Heyring et al. teach a method of controlling stability of a vehicle having an articulated suspension, comprising: determining a dynamic property of the vehicle; and manipulating the articulated suspension based on that dynamic property (e.g., velocity/speed) to affect the stability of the vehicle, see Heyring et al., col. 2 line 58 to col. 3 line 16).

B. As to claim 3: Heyring et al. teach that manipulating the articulated suspension to affect a center of gravity of the vehicle (see Heyring et al., col. 2 lines 58-62).

C. As to claim 4: Heyring et al. disclose that manipulating the articulated suspension to affect stability limits of the vehicle (see Heyring et al., col. 1 lines 13-17).

*Claim Rejections - 35 USC § 103*

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heyring et al. (US Pat. 6,010,139), in view of Schofield et al., (US Pub. No. 20030001734).

Heyring et al. teach a method to manipulating the articulated suspension.

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Heyring et al. do not disclose about using GPS data to affect that manipulating articulated suspension.

However, Schofield et al. teach that feature.

Thus, practitioner in the art at the time of the invention would have found it obvious to combine the feature as disclosed by Schofield et al. with Heyring et al. because GPS remotely provides an accurate object's location that may clearly effect a vehicle's stability.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heyring et al. (US Pat. 6,010,139), in view of Wilcox et al., (US Pat. 6,267,196)

Heyring et al. teach a method to manipulating the articulated suspension.

Heyring et al. do not disclose about manipulating the articulated suspension based upon the sprung and the unsprung mass.

However, Wilcox et al. suggest about using those sprung mass, and unsprung mass in stability calculation.

Thus, practitioner in the art at the time of the invention would have found it obvious to combine the feature as disclosed by Wilcox et al. with Heyring et al. because it is more accuracy to include these data in manipulating the articulated suspension.

### *Conclusion*

7. Pending claims 1-6 are not patentable.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/  
Primary Examiner